IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

CHARLIE ALLEN and wife,	§	
SHARON ALLEN, WILLIAM	§	
TUCKER, LLOYD DAVIS, STAN	§	
HOOKER and wife, LAMELVA	§	
HOOKER, KEN MERSHON and	§	
wife, RANELLE MERSHON, BOBBY	§	
C. WALKER and wife, JO DELLE	§	
WALKER,	§	
,	§	
Plaintiffs,	§	
	§	
	§	Civil Action No. 2:11-cv-00242-J
	§	
V.	§	
	§	
XCEL ENERGY, INC., and	§	
· · ·		
SOUTHWESTERN PUBLIC		
SOUTHWESTERN PUBLIC SERVICE COMPANY.	§	
SERVICE COMPANY,	§ §	
	§	

PLAINTIFFS' NOTICE OF DISMISSAL

COMES NOW CHARLIE ALLEN and wife, SHARON ALLEN, WILLIAM TUCKER, LOYD DAVIS, STAN HOOKER and wife, LAMELVA HOOKER, KEN MERSHON and wife, ANELLE MERSHON, BOBBY C. WALKER and wife, JO DELLE WALKER, and files this its notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

I.

1. Plaintiffs are CHARLIE ALLEN and wife, SHARON ALLEN, WILLIAM TUCKER, LOYD DAVIS, STAN HOOKER and wife, LAMELVA HOOKER, KEN MERSHON and wife, ANELLE MERSHON, BOBBY C. WALKER and wife, JO DELLE WALKER and defendants are XCEL ENERGY, INC. and SOUTHWESTERN PUBLIC SERVICE COMPANY.

- 2. On October 20, 2011, plaintiff sued defendant.
- 3. Defendants have been served with process and have not served an answer or a motion for summary judgment.
 - 4. This case is not a class action.
 - 5. A receiver has not been appointed in this case.
- 6. This case is not governed by any federal statute that requires a court order for dismissal of the case.
- 7. Plaintiffs have not previously dismissed any federal- or state-court suit based on or including the same claims as those presented in this case.
 - 8. This dismissal is without prejudice to refiling.

WEREFORE, PREMISES CONSIDERED, Plaintiffs CHARLIE ALLEN and wife, SHARON ALLEN, WILLIAM TUCKER, LOYD DAVIS, STAN HOOKER and wife, LAMELVA HOOKER, KEN MERSHON and wife, ANELLE MERSHON, BOBBY C. WALKER and wife, JO DELLE WALKER therefore dismisses all causes of action without prejudice against the Defendants XCEL ENERGY, INC. and SOUTHWESTERN PUBLIC SERVICE COMPANY and requests that all costs of Court be charged to the party incurring the same.

(Signature Block on Next Page)

Respectfully submitted,

THE WEBSTER LAW FIRM

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ATTORNEYS FOR PLAINTIFFS